

PROCEEDINGS OF THE COMMON COUNCIL
IN SPECIAL SESSION

TUESDAY, DECEMBER 9, 1975

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

The Common Council of the City of Fort Wayne met in the Council Chambers

Tuesday evening December 9 A.D., 1975, in Special

Session. ^{City Clerk} President ~~James S. Stier~~ ^{Charles W. Westerman} in the chair, and

^{Council Secretary} Charles W. Westerman Clerk, at the desk, present the following

members _____ viz:

Burns X, Hinga X, Kraus A

Moses X, Nuckols X, Donald Schmidt X

Vivian Schmidt X, Stier X, Talarico X

Absent _____

Councilmen _____,

_____, _____,

The invocation was given by _____

Received report from the City Controller for the month of _____,
19____. Motion made and carried that report be made a matter of record and
placed on file.

The minutes of the last regular _____, 19____,
special _____, 19____,

Session having been delivered to the Council, were, on motion, approved and
published.

CALL, CONSENT AND WAIVER OF NOTICE OF A SPECIAL
MEETING OF THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA, TO BE HELD TUESDAY, DECEMBER 9, 1975,
AT 7:00 O'CLOCK P.M., E.S.T.

We, the undersigned, being all of the members of the Common Council of the City of Fort Wayne, Indiana, do hereby call a special meeting of said Council to be held on Tuesday, December 9, 1975, at 7:00 o'clock P.M., E.S.T. and jointly and severally waive notice of the time, place and purpose of said meeting and consent that same be held on the aforesaid date for the purpose of a special meeting to be held to fill the vacancy of the office of Councilman of the 4th Councilmanic District by reason of resignation by Eugene Kraus, Jr. , present councilman for said district.

| | |
|--------------------------|---------------------------|
| <u>James L. Sten</u> | <u>W. Schmidt</u> |
| <u>Thomas J. Schmidt</u> | <u>William T. King</u> |
| <u>Wm. A. St. J.</u> | <u>Samuel J. Talarico</u> |
| <u>John Muckols</u> | <u>Paul M. Brown</u> |

Dated this ninth December 9, 1975.

Charles W. Westerman
Charles W. Westerman
City Clerk



EUGENE KRAUS, JR.
City Councilman, 4th District
805 Gettle Building
FORT WAYNE, INDIANA 46802
PHONE 422-4796

November 5, 1975

Mr. Westerman
City Clerk
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Dear Mr. Westerman:

For personal and business reasons, I have decided to resign from my post as City Councilman for the 4th District. I feel that for the next four remaining Council meetings, the District would be better served by that person who has received the mandate of the people in the last election. To draw pay for the next few weeks when someone else has been chosen Councilman seems unfair to the taxpayer and the voters.

I feel that my service on the Council has been rewarding and has given me the chance to work with persons, such as yourself, who are dedicated to the service of the citizens of Fort Wayne. I bear only the best of feelings towards yourself and all those who I have worked with over my period of service.

Best Wishes,

Eugene Kraus, Jr.

EKJr/jss



RALPH R. BLUME
DON W. WYNEKEN
STANLEY A. LEVINE
DONALD R. CLIFFORD
JOHN P. BULLMAN

BLUME, WYNEKEN, LEVINE & CLIFFORD
ATTORNEYS AT LAW
SUITE 344 UTILITY BUILDING
116 E. WAYNE STREET
FORT WAYNE, INDIANA 46802

AREA CODE 219
TELEPHONE 423-3525

IN REPLY PLEASE REFER TO:

December 9, 1975

Charles Westerman, Clerk
City of Fort Wayne
Fort Wayne, Indiana

Dear Mr. Westerman:

As stated in the attached statement and its attached letter, I talked to Gene Kraus two days before my recent appearance at the City Council on the 2d day of December, 1975. At that time I was authorized by Mr. Kraus to reiterate his intention to have submitted his resignation as City Councilman for the Fourth District on November 5, 1975, and to have same accepted.

Very truly yours,

Stanley A. Levine

SAL/mdr

MADE A MATTER OF RECORD
DATE 1-9-75 CHARLES W. WESTERMAN, CITY CLERK

MR. STIER, MRS. SCHMIDT, GENTLEMEN OF THE CITY COUNCIL.

MY NAME IS STANLEY A. LEVINE AND I LIVE AT 3340 NORTH WASHINGTON ROAD, FORT WAYNE, INDIANA. I AM A REGISTERED DEMOCRAT AND A RESIDENT OF THE FOURTH COUNCILMANIC DISTRICT. THE STATEMENT I AM MAKING TONIGHT IS BEING MADE ON BEHALF OF EUGENE KRAUS, JR., MY COUNCILMAN, AND THE ONLY CAPACITY IN WHICH I AM APPEARING BEFORE YOU IS AS HIS FRIEND AND CONSTITUENT.

AS YOU ARE ALL AWARE, GENE HAS NOT BEEN PRESENT FOR THE LAST FEW COUNCIL MEETINGS. IN FACT, HE IS OUT OF THE COUNTRY, AND HAS BEEN SINCE THE 17th DAY OF OCTOBER OF THIS YEAR. AS A FORMER MEMBER OF THE KRAUS FOR COUNCILMAN COMMITTEE, IT IS OF GRAVE CONCERN TO ME THAT MR. KRAUS' ABSENCE FROM COUNCIL MEETINGS HAS GONE UNEXPLAINED, AND I HAVE THEREFORE, AFTER SOME DIFFICULTY IN REACHING HIM, PERSONALLY TALKED TO GENE BY PHONE ON THE 30th DAY OF NOVEMBER, TWO DAYS AGO, AND HAVE BEEN AUTHORIZED BY HIM TO MAKE A STATEMENT TO YOU TONIGHT.

ABOUT A WEEK BEFORE HE LEFT, FACED WITH THE PRESS OF TIME IN WINDING UP HIS BUSINESS AND PERSONAL AFFAIRS, MR. EUGENE KRAUS, JUNIOR, WHILE IN THE CITY-COUNTY BUILDING, DELIVERED A SIGNED COPY OF A LETTER TO WILLIAM HINGA, JUNIOR, THE MAYOR'S AIDE. THE POST-DATED LETTER, DIRECTED TO THE CLERK OF THE CITY OF FORT WAYNE, READS AS FOLLOWS:

MR. KRAUS FELT AT THE TIME THAT THE SENSITIVE NATURE OF THE LETTER SUGGESTED THAT IT SHOULD NOT BE LEFT FOR DELIVERY THROUGH NORMAL CHANNELS, BUT WAS ASSURED BY MR. HINGA, JUNIOR, THAT THE LETTER WOULD BE DELIVERED IN THE NORMAL COURSE OF BUSINESS TO THE CLERK OF THE CITY OF FORT WAYNE THE DAY AFTER THIS YEAR'S CITY ELECTIONS, OR NOVEMBER FIFTH. THAT OBVIOUSLY HAS NOT BEEN DONE, AND I HAVE THEREFORE EXAMINED AT GENE'S OFFICE THE FILE COPY OF GENE'S LETTER FROM WHICH COPY I HAVE MADE DUPLICATES WHICH I SHALL HAND TO EACH COUNCIL MEMBER, ALONG WITH A COPY OF MY STATEMENT, AT THE CONCLUSIONS OF THESE REMARKS. IT IS MY HOPE THAT BOTH A COPY OF THE LETTER AND THIS STATEMENT BE MADE A PART OF THE RECORDS OF THIS COUNCIL.

MR. KRAUS HAS ASKED ME TO REITERATE TO YOU TONIGHT HIS INTENTION TO HAVE SUBMITTED A RESIGNATION ON NOVEMBER FIFTH AS COUNCILMAN FOR THE FOURTH DISTRICT AND TO HAVE SAME ACCEPTED.

WHILE IN RETROSPECT IT APPEARS THAT MR. KRAUS SHOULD HAVE TAKEN A MORE DIRECT AND EFFECTIVE MEANS OF COMMUNICATING HIS RESIGNATION TO THE CLERK OF THE CITY OF FORT WAYNE, HE DOES NOT WISH IN ANY WAY TO HAVE HIS FAILURE TO DO SO REFLECT ON HIS HIGH REGARD FOR THE INTEGRITY OF MR. WESTERMAN.

DESPITE THE RATHER UNORTHRODOX METHOD OF DELIVERY GENE EMPLOYED, AS A PERSONAL FRIEND OF MR. KRAUS, I AM DEEPLY DISTURBED THAT THE LETTER SIGNED BY HIM HAS NOT BEEN DELIVERED AS PROMISED BY MR. HINGA, JUNIOR, TO THE CLERK AS GENE WISHED HIM TO DO. THE RESULT OF THE FAILURE OF MR. HINGA, JUNIOR, TO COME FORWARD TO BOTH ACKNOWLEDGE RECEIPT OF THE LETTER FROM GENE AND TO DELIVER IT TO THE CLERK HAS BEEN THAT THE GOOD NAME OF EUGENE KRAUS, JUNIOR, HAS BEEN LINKED WITH IMPLICATIONS OF DERELICTION OF HIS DUTIES AS COUNCILMAN IN FAILING TO ATTEND COUNCIL MEETINGS WITHOUT EXPLANATION. I AM SURE THAT ALL OF YOU WILL AGREE THAT THE ATTENDANCE RECORD OF MR. KRAUS PRIOR TO HIS LEAVING THE COUNTRY AT COUNCIL AND COMMITTEE MEETINGS HAS BEEN QUITE SATISFACTORY.

CERTAINLY, MR. HINGA, JUNIOR, AS THE SON OF A COUNCILMAN, AS AN EMPLOYEE OF THE CITY, AND AS SOMEONE WHO PRESUMABLY READS THE NEWSPAPERS, HAS BEEN AWARE OF THE SPECULATION OF MR. KRAUS' WHEREABOUTS AND OF THE STATUS OF A POSSIBLE RESIGNATION LETTER. YOU WILL HAVE TO ASK HIM WHY HE HAS NOT COME FORWARD AT THIS LATE DATE TO CLARIFY, AS WELL AS HE HAS BEEN ABLE TO DO, THIS CONTROVERSY ABOUT GENE'S ABSENCE.

AS A FOURTH DISTRICT RESIDENT, I CAN SPEAK FOR MY NEIGHBORS WHEN I STATE THAT I FEEL THAT MR. KRAUS HAS ALWAYS STRIVED TO SERVE HIS DISTRICT WELL AND THAT IT TROUBLES ME THAT THE FAILURE OF MR. HINGA, JUNIOR, TO DELIVER GENE'S RESIGNATION LETTER HAS EFFECTIVELY, FOR THE PAST FEW WEEKS, DENIED EACH OF US IN THE FOURTH DISTRICT, A COUNCILMAN TO REPRESENT US BY MEANS OF THE SELECTION OF AN INTERIM REPLACEMENT BY THE COUNCIL IN THE MANNER GENE'S LETTER SUGGESTED.

MR. HINGA'S SILENCE, FOR WHATEVER REASON, HAS CAST A SHADOW OVER EUGENE KRAUS' GOOD NAME THAT I HOPE SHALL BE FOREVER REMOVED TONIGHT. I AM SORRY THAT I HAVE NOT COME HERE BEFORE THIS EVENING, BUT I HAVE HAD DIFFICULTIES IN PLACING AN OVERSEAS CALL TO GENE BEFORE THIS WEEK, AND FRANKLY HAVE HOPED, RATHER IN VAIN AS IT WERE, FOR MR. HINGA, JUNIOR, TO COME FORWARD IN THE INTERIM PERIOD OF ATTEMPTING TO CONTACT GENE.

ON BEHALF OF EUGENE KRAUS, HIS FAMILY AND HIS FRIENDS, AND ON BEHALF OF THE CITIZENS OF THE FOURTH DISTRICT, PLEASE ACCEPT MY GRATITUDE FOR THE OPPORTUNITY TO SPEAK TO YOU TONIGHT. IT IS MY HOPE THAT THE CITY COUNCIL WILL WASTE LITTLE TIME IN APPOINTING A SUCCESSOR TO MR. KRAUS PURSUANT TO THE DESIRES EXPRESSED IN HIS LETTER. I TRUST GENE'S RESIGNATION WILL BE PROMPTLY ACCEPTED, WITH REGRET, BECAUSE HE HAS SERVED HIS DISTRICT AND THE CITY OF FORT WAYNE WELL.

I FURTHER TRUST THAT THIS STATEMENT SOLVES THE SO-CALLED "MYSTERY" OF GENE'S ABSENCE AND THAT NEITHER HIS ABSENCE NOR ITS EXPLANATION TONIGHT BECOME ANY MORE THAN A FOOTNOTE IN THE RECORDS OF THE CONDUCT OF THIS COUNCIL. IT IS MY PERSONAL DESIRE THAT SPECULATIONS ABOUT HIS RESIGNATION HAVING BEEN PUT TO REST, THE NAME OF EUGENE KRAUS, JUNIOR BE ACKNOWLEDGED INSTEAD AND ASSOCIATED WITH THE GOOD WORK HE ACCOMPLISHED IN THE SERVICE OF THIS CITY AS COUNCILMAN FOR THE FOURTH DISTRICT. HAD GENE BEEN PRESENT TONIGHT TO MAKE THIS STATEMENT HIMSELF, I ASSURE YOU THAT BY REASON OF MODESTY THERE WOULD HAVE BEEN A DELETION OF ANY TRIBUTE TO THE WORK THAT HE PERFORMED AS COUNCILMAN. HOWEVER, THE PARTICULAR CIRCUMSTANCES REQUIRING MY APPEARANCE TONIGHT PROMPT ME TO STATE SUCH TRIBUTE ANYWAY.

IN CLOSING, ALLOW ME TO EXTEND TO THE MEMBERS OF THIS COUNCIL, AND TO EUGENE'S ELECTED SUCCESSOR AS COUNCILMAN FOR THE FOURTH DISTRICT, HIS PERSONAL AND SINCERE GOOD WISHES IN MEETING THE CHALLENGES OF THE NEXT FOUR YEARS. THANK YOU.

AGENDADATE 12-9-78 CHARLES W. WESTERMAN, CITY CLERK7:00 P.M.SPECIAL SESSION - TUESDAY, DECEMBER 9, 1975
ROOM 126 - COUNCIL CHAMBERSVACANCY IN OFFICE

Ind. Code 18-1-2-3

I, Charles W. Westerman, being the legally elected Clerk of the City of Fort Wayne, Indiana, and Clerk of this Common Council of the City of Fort Wayne, Indiana, have received written notification of resignation from Eugene Kraus, Jr., and submitted the same to the Common Council on December 2, 1975, and on that date called the duly elected members of the Common Council to assemble in Special Session to fill the vacancy that now exists in Councilmanic District No. 4 of the City of Fort Wayne, which was previously occupied by Eugene Kraus, Jr. who was duly elected in 1971. Said vacancy obligates the Clerk to call this respected body within ten days from receipt of said communication to nominate and elect a replacement to fill the unexpired term that now exists.

The Agenda that follows is so prescribed by the rules and the laws of the state of Indiana.

CALL TO ORDER

CHARLES W. WESTERMAN
CLERK OF THE CITY OF FORT WAYNE, INDIANA

ROLL CALL

NATKA ESHCOFF
COUNCIL SECRETARY

1. Nominations from the Council body
2. Additional nominations
3. Election from the nominations
 1. Roll call on the election

NOMINEES - TO BE VOTED ON

| <u>COUNCILMEN</u> | <i>For each Member</i> | | | | |
|---------------------|------------------------|--|--|--|--|
| PAUL M. BURNS | ✓ | | | | |
| WILLIAM HINGA | ✓ | | | | |
| WINFIELD MOSES, JR. | ✓ | | | | |
| JOHN NUCKOLS | ✓ | | | | |
| DONALD SCHMIDT | ✓ | | | | |
| VIVIAN SCHMIDT | ✓ | | | | |
| JAMES STIER | ✓ | | | | |
| SAMUEL TALARICO | ✓ | | | | |

OATH OF OFFICE

STATE OF INDIANA, ALLEN COUNTY
CITY OF FORT WAYNE

I, Frederick R. Hunter, do solemnly swear that I will support the Constitution of the United States and of the State of Indiana, and that I will honestly, faithfully and impartially discharge the duties of my trust as Councilman of the Fourth District in and for said City of Fort Wayne, Indiana, according to law and to the best of my knowledge and ability, so help me God.

X Frederick R. Hunter

Subscribed and sworn to before me this 9th
day of December, 19 75.

Charles W. Westerman
Charles W. Westerman
City Clerk

Fire Unit Commission Board.

BILL NO. G-75-11-65 (AS AMENDED)

GENERAL ORDINANCE NO. G-29-75

AN ORDINANCE governing the procedure to be followed with regard to the demotion of members of the Fort Wayne Fire Department and providing for the establishment of a Fire Department Merit System Committee

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Definitions. As used herein:

The words "Board" and "Board of Public Safety" shall refer to that agency known variously as the "Board of Public Safety" and as the " Board of Commissioners of the Department of Safety", being the agency which exercises management, control and supervision over the Fire Department of the City of Fort Wayne, Indiana or to any successor agency exercising like management, control and supervision.

The word "Chief" shall refer to the Fire Chief within and for the City of Fort Wayne, Indiana.

The word "City" shall refer to the City of Fort Wayne, Indiana.

(The word "Common Council" and "Council" shall refer to the Common Council of the City of Fort Wayne, Indiana.)

The word "Fire Department" shall refer to the Fort Wayne Fire Department.

The word "Mayor" shall refer to the Mayor of the City of Fort Wayne, Indiana.

The masculine shall include the feminine and neuter and the neuter shall include the feminine and masculine.

The disjunctive shall include the conjunctive and the conjunctive shall include the disjunctive.

SECTION 2. With the execution of the Chief, every member of the Fire Department appointed by the Mayor or by the Board of Public Safety shall hold his present rank, or such rank as he may hereafter attain, unless and until he is

demoted by the Board in compliance with the terms of this Ordinance. A member may be demoted only for cause other than politics, after written notice from the Chief is served upon him in person or by copy left at his last and usual place of residence notifying him of the time and place of a hearing. Said notice shall contain the written reasons for such request for demotion, and shall be served upon the member at least ten (10) days prior to the date set for said hearing.

SECTION 3. The Board of Public Safety shall then hold a hearing upon the question as to whether or not said member shall be demoted. The member may appear in person and by counsel and present evidence in response to the charges filed against him.

SECTION 4. The Board of Public Safety and the member of the Fire Department against whom charges are preferred shall have the power to compel the attendance of witnesses and to examine them under oath at such hearing and for that purpose may issue subpoenas and cause the same to be served and executed in any part of Allen County, Indiana.

SECTION 5. A member of the Fire Department may be demoted under the procedure referred to above if he has been convicted in any court of a felony under the laws of the State of Indiana or of the federal government; or upon the finding and decision of the Board of Public Safety that any such member has been or is guilty of gross neglect of duty, or willful violation of the rules and regulations of the department, or willful neglect or disobedience of orders of the department, or absence without leave or immoral conduct.

SECTION 6. After charges have been filed and a hearing held in compliance with the terms of this ordinance, if the Board of Public Safety shall find, by a majority vote, that the member should be demoted in rank, the Board shall then have the authority to reduce or demote said member one (1) position in rank. In the event there is no vacancy in the rank next below the rank for which the member held immediately prior to his demotion, he shall be demoted to the next lowest rank in which there is a vacancy, provided, however, that he shall be awarded the first vacancy thereafter occurring in the rank next below the rank he held immediately prior to his demotion. (Whenever a vacancy occurs in any rank intermediate between that rank to which the member is demoted and the rank next below the rank in which he was serving immediately prior to his demotion, the member shall be promoted to such vacancy until he has been returned to the rank next below the rank in which he was serving immediately prior to his demotion.)

SECTION 7. The Chief may be demoted by the Mayor for such reasons as the Mayor may deem sufficient and without necessity for notice or hearing. Provided, however, the Chief may be demoted one (1) position in rank. In the event there is no vacancy in the rank next below the rank of Chief, he shall be demoted to the next lowest rank in which there is a vacancy and he shall be awarded the first vacancy thereafter occurring in the rank next below the rank of Chief. (Provided, however, whenever a vacancy occurs in any rank intermediate between the rank to which he is demoted and the rank next below the rank of Chief, he shall be promoted to such vacancy until he has been returned to the rank next below the rank of Chief. Provided, further, he shall in no event

receive compensation less than that paid members serving in the rank next below the rank of Chief.)

SECTION 8. In the event two or more members of the Fire Department shall have been demoted to a rank more than one (1) rank below the rank each held immediately prior to his demotion, and in the event a vacancy opens for which each would have a claim under the terms hereof, the vacancy shall be awarded, first, to the member who held the higher rank immediately prior to their respective demotions. In the event each held the same rank immediately prior to their respective demotions, the vacancy shall be awarded to the one whose demotion first became effective. In the further event, the demotions were simultaneous, the vacancy shall be awarded to the one who had the longer service in the rank each held immediately prior to their respective demotions.

SECTION 9. (No member of the Fire Department may be transferred from on division to another except for medical reasons or at the request of the member.)

SECTION 10. (No member may be transferred from one shift to another except at his request, or, in the event that the operational necessities of the department require transfers in greater number than can be met by request. Such transfers shall be made of those members having the least continuous seniority in the rank involved in the transfer.)

SECTION 11. Any member of such fire force who is demoted, as aforesaid, shall have the right to appeal said demotion to the Allen Circuit Court of the Allen Superior Court. Such appeal shall be taken by such member's filing a complaint in such court, within thirty (30) days after the date such decision is rendered. The City shall be named as the sole defendant and the plaintiff shall cause summons to issue as in other cases against the City. The City may file a motion to dismiss the appeal for failure to perfect the same within the time and in the manner required by this section. The decision appealed from shall be stayed pending the final determination of such appeal.

SECTION 12. All such appeals shall be heard de novo upon the issues raised by the charges upon which the decision of the Board was made, which charges shall be deemed to be denied by the accused person. Within ten (10) days after the service of summons, said Board shall file with the court a full, true and complete transcript of all papers, entries and other parts of the record relating to such particular case. Each party may produce such evidence as it may desire, relevant to the issues, and the court of jury upon such appeal shall review the record and decisions of said board.

SECTION 13. Either party thereto shall be allowed a change of venue for such court or a change of judge in the same manner as such changes are allowed in civil cases. The provisions of the civil code shall govern in all matters of procedure upon such appeal that are not otherwise provided for by this section and by Section 12 hereof.

SECTION 14. There shall be appointed a committee to be known as "The Fire Department Merit System Committee". Said Committee shall consist of three members of the Common Council of the City of Fort Wayne appointed by said Council, no more than two of whom shall be members of the same political party. Said Committee shall also consist of one member of the Fire Department to be appointed by the present Chief, one member of the Fire Department to be appointed by the Mayor assuming office January 1, 1976, one member of the Fire Department to be appointed by the Fire Chief assuming office January 1, 1976, and two members of the Fire Department to be selected from the membership of the Fort Wayne Professional Fire Fighters Association. The persons selected by the Fort Wayne Professional Fire Fighters Association shall represent the two major political parties, the representative of each party to be elected by those members of the association who are registered voters of the party in question. No more than three (3) of the five (5) members of the Fire Department on the Committee shall be members of the same political party.

SECTION 15. The committee shall meet from time to time as its members shall determine. No meeting shall be held on less than one week's notice. Five (5) members of the committee shall constitute a quorum. In the event a member cannot attend a meeting, he may select a proxy from the council in the case of a member from the council and from the Fire Department in the case of a member from the Fire Department.

SECTION 16. Said Committee shall render a report of its activities to the Council no later than March 1, 1976 and on the first day of each month thereafter.

SECTION 17. Said Committee shall prepare recommendations to the Council regarding a merit system to be adopted for the promotion and demotion of members of the Fort Wayne Fire Department. In preparing such recommendations the Committee shall be appropriated such funds as the Council from time to time shall deem necessary and the Committee shall consult with representatives of cities having merit systems for their Fire Departments, which personnel management experts with experience in the field of municipal merit systems, with experts in the fields of Fire Prevention and Fire Fighting and such other authorities as the Committee shall select.

SECTION 18. No later than nine months from the date of the first meeting of said Committee, it shall render its recommendations to the Council. In the event it is unable to agree upon recommendations, it shall submit such reports and findings as the individual members of the Committee may wish. Upon receipt of such recommendations, reports and finding, the Council shall prepare a merit system for the Fire Department to be set forth in an Ordinance to be adopted at said time.

SECTION 19. Upon the effective date of the Ordinance establishing a merit system for the Fire Department, the sections 2 through 13 of this Ordinance shall cease to be effective. The sum of \$7,500.00 shall be appropriated to fund

the activities and research of The Fire Department Merit System Committee, and such funds shall be administered by the Finance Committee of the Common Council of the City of Fort Wayne.

SECTION 20. If any section, clause, sentence, paragraph, part or provision of this Ordinance shall be held invalid by any court, it shall be conclusively presumed that this Ordinance would have been passed by the Common Council without such invalid section, clause, sentence, paragraph, part or provision.

SECTION 21. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilman

The Council then adjourned.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of the City of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its Special Session, held on Tuesday the 9th day of December, 19 75; that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 9th day of December, 19 75.


Charles W. Westerman
City Clerk

SEAL